

HOUSE BILL NO. 567

INTRODUCED BY WINDHAM, CLARK, WISEMAN, BECKER, DRISCOLL, HARRIS, PARKER, NOONAN,
DOWELL, TAYLOR

A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING UNEMPLOYMENT BENEFITS TO INCLUDE AN
INDIVIDUAL WHO LEAVES WORK DUE TO BEING A VICTIM OF A SEXUAL ~~OFFENSE~~ ASSAULT OR
STALKING; AND AMENDING SECTION 39-51-2111, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 39-51-2111, MCA, is amended to read:

**"39-51-2111. Unemployment benefits for victims of domestic violence, sexual offense ASSAULT,
or stalking.** (1) (a) An individual who is otherwise eligible for benefits may not be denied benefits because the
individual left work or was discharged because of circumstances resulting from the individual or a child of the
individual being a victim of domestic violence, a sexual offense ASSAULT, or stalking or the individual left work
or was discharged because of an attempt on the individual's part to protect the individual or the individual's child
from domestic abuse, a sexual offense ASSAULT, or stalking.

(b) An employer's account may not be charged for the payment of benefits to an individual who left work
or was discharged because of circumstances resulting from domestic violence, a sexual offense ASSAULT, or
stalking as provided for in subsection (1)(a).

(c) An individual may not receive more than 10 weeks of unemployment benefits for the 12-month
period after the filing of a claim under the provisions of this section. The provisions of this section do not affect
the rights of an individual to receive unemployment benefits that the individual is entitled to under other
provisions of state law.

(2) For the purposes of subsection (1), an individual must be treated as being a victim of domestic
violence, a sexual offense ASSAULT, or stalking if the individual provides one or more of the following:

(a) an order of protection or other documentation of equitable relief issued by a court of competent
jurisdiction;

(b) a police record documenting the domestic violence, sexual offense ASSAULT, or stalking;

(c) medical documentation of domestic violence, or a sexual offense ASSAULT; or

(d) other documentation or certification of domestic violence, ~~a sexual offense~~ ASSAULT, or stalking provided by a social worker, clergy member, shelter worker, or professional person, as defined in 53-21-102, who has assisted the individual in dealing with domestic violence, ~~a sexual offense~~ ASSAULT, or stalking.

(3) An individual who is otherwise eligible for benefits under this section becomes ineligible if the individual remains in or returns to the abusive situation that caused the individual to leave work or be discharged.

(4) The department shall provide a report to the legislature, as provided in 5-11-210, regarding the benefits applied for and granted under this section, including a summary of the demographics of applicants for and recipients of the benefits and the average and total cost of benefits provided.

(5) For the purposes of this section:

(a) "domestic violence" means the physical, ~~sexual~~, mental, or emotional abuse of an individual or the individual's child by a person with whom that individual or the individual's child lives or has recently lived;

(b) "~~sexual offense~~" ASSAULT" ~~has the meaning provided in 46-23-502~~ MEANS SEXUAL ASSAULT AS DESCRIBED IN 45-5-502, SEXUAL INTERCOURSE WITHOUT CONSENT AS DESCRIBED IN 45-5-503, INCEST AS DESCRIBED IN 45-5-507, OR SEXUAL ABUSE OF CHILDREN AS DESCRIBED IN 45-5-625; and

(c) "stalking" has the meaning provided in 45-5-220."

- END -